

REMARKS

Claim 1 has been amended. No claims have been canceled. No new claims have been added. Claims 1-17, 20-24, 26-27 and 29-37 remain pending in the application.

Applicant thanks the Examiner for indicating that claims 12-17, 20-24, 26-27 and 29-37 12-33 are allowed and that claim 8 is allowable over the prior art of record.

Support for Claim Amendments

Support for the claim amendments made to claim 1 may be found in the specification at paragraph [00055] and Figures 1-8.

***Objections/Rejections
Under 35 U.S.C. §102***

- 1.0 The examiner has rejected claims 1-7 and 9-11 as anticipated by Crisp (United States Patent 2,678,018).

SUMMARY OF CITED REFERENCE

Crisp discloses a portable boat having (i) a hull, and (ii) a pair of pontoons repositionably attached to the hull with one pontoon attached proximate the starboard side of the hull and the other pontoon attached proximate the port side of the hull. The pontoons are repositionable as between (i) a nested or storage position in which the pontoons are generally longitudinally aligned and tucked underneath the hull, (ii) a standard flotation position in which the pontoons are shifted upward and laterally outward relative to the nested or storage position, and (iii) a stable flotation position in which the pontoons are shifted laterally outward and aft relative to the standard flotation position.

SUMMARY OF CLAIMED INVENTION

A First Embodiment of the present claimed invention (claims 1-11) is directed to personal watercraft having (i) a hull defining a deck with a planar upper surface, and (ii) a plurality of pontoons repositionably attached to the hull with at least one pontoon attached proximate the starboard side of the hull and at least one pontoon attached proximate the port side of the hull. The pontoons are laterally and longitudinally repositionable within a single plane relative to the hull as between a storage position in which the pontoons are generally longitudinally aligned relative to the hull and have a minimized lateral distance between the pontoons with at least a portion of the pontoons transversely positioned underneath the deck, and a flotation position in which the pontoons are shifted aft relative to the longitudinally aligned storage position and have a maximized lateral distance between the pontoons.

LEGAL BASIS

An anticipation rejection under 35 U.S.C. § 102 requires that the cited reference(s) disclose each and every element of the claimed invention. See, Hybritech Inc. v. Monoclonal Antibodies, Inc., 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); Kloster Speedsteel AB et al. v. Crucible Inc. et al., 230 U.S.P.Q. 81, 84 (Fed. Cir. 1986). A reference anticipates a claim only when the reference discloses each and every element recited in the claim. See, Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987) and M.P.E.P. §2131. Accordingly, the "exclusion of a claimed element from a prior art reference is enough to negate anticipation by that reference." Atlas Powder Co. v. E.I. duPont De Nemours & Co., 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984).

CRISP DOES NOT DISCLOSE EACH AND
EVERY ELEMENT OF THE CLAIMED INVENTION

Crisp discloses a portable boat in which the pontoons are repositionable as between (i) a nested or storage position in which the pontoons are generally longitudinally aligned and transversely tucked underneath the hull, (ii) a standard flotation position in which the pontoons are shifted transversely upward and laterally outward relative to the nested or storage position,

and (iii) a stable flotation position in which the pontoons are shifted laterally outward and longitudinally aft relative to the standard flotation position.

The First Embodiment of the present claimed invention is directed to personal watercraft in which the pontoons are laterally and longitudinally repositionable within a single plane relative to the hull as between a storage position in which the pontoons are generally longitudinally aligned relative to the hull and have a minimized lateral distance between the pontoons with at least a portion of the pontoons transversely positioned underneath the deck, and a flotation position in which the pontoons are shifted aft relative to the longitudinally aligned storage position and have a maximized lateral distance between the pontoons.

Crisp does not disclose a structure permitting such repositioning of the pontoons. Rather Crisp discloses pontoons which (i) when repositioned from the nested position to the standard flotation position does not shift the pontoons aft, (ii) when repositioned from the standard flotation position to the stable flotation position never provides a position in which at least a portion of the pontoons are transversely positioned underneath the hull, and (iii) when repositioned from the nested position to the stable flotation position results in three-dimensional repositioning of the pontoons (*i.e.*, repositioning within two planes).

***Objections/Rejections
Under 35 U.S.C. § 103***

2.0 *The examiner has rejected claims 2-6 as obvious over Crisp.*

LEGAL BASIS

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

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expectation of success must be found in the prior art, NOT in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See, M.P.E.P. § 2143.

CRISP DOES NOT TEACH OR SUGGEST
ALL OF THE CLAIM LIMITATIONS
OF THE CLAIMED INVENTION

Applicant submits that claims 2-6 are patentable over Crisp for the same reason set forth above with respect to the patentability of claims 1, 7 and 9-11 over Crisp as Crisp does not disclose, teach or suggest a structure permitting repositioning of the pontoons as set forth in these claims.

CONCLUSION

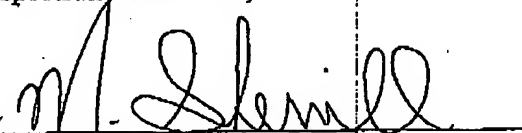
Applicant respectfully submits that all pending claims (claims 1-17, 20-24, 26-27 and 29-37) are in condition for allowance.

Respectfully submitted,

Date

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By



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